

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

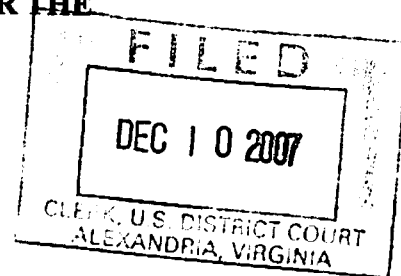
Derrick L. Lowe,
Plaintiff,

v.

D.A. Hoffman, et al.,
Defendants.

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1:07cv363 (GBL/TRJ)



MEMORANDUM OPINION AND ORDER

Derrick L. Lowe, a Virginia inmate proceeding pro se, has filed a civil rights action, pursuant to 42 U.S.C. § 1983. By Memorandum Opinion and Order dated November 13, 2007, a Notice of Lawsuit and Request for Waiver of Service of Summons was sent to the Attorney General of Virginia on behalf of defendants Hoffman, Grayson, Dombrowski, and Livingston. However, the Notice of Lawsuit and Request for Waiver of Service of Summons was returned unexecuted as to these defendants on November 27, 2007. As it appears from plaintiff's complaint that defendants Hoffman, Grayson, Dombrowski, and Livingston are employees of the Prince William County Police Department, the Notice of Lawsuit and Request for Waiver of Service of Summons will be sent to these defendants at the Prince William County Police Department.

Accordingly, it is hereby

ORDERED that defendants Hoffman, Dombrowski, Livingston, and Grayson file an answer or other responsive pleadings to the complaint in accordance with the attached Notice of Lawsuit and Request for Waiver of Service of Summons. Defendants are advised that it is normal practice in pro se prisoner civil actions for defendants to file dispositive motions, if warranted and appropriate, before the start of discovery; and it is further

ORDERED that, within twenty (20) days of the defendants filing any responsive pleading, the plaintiff file any reply, including counter-affidavits (sworn statements subject to the penalty of perjury), or other responsive material contesting the affidavits or records filed by the defendant. See E.D. Va. Local Civ. R. 7(K); Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). Unless the plaintiff or defendant explicitly request additional time for filing additional materials, the case will be considered ripe for disposition twenty (20) days after defendant files a responsive pleading; and it is further

ORDERED that plaintiff serve a copy of every document plaintiff files in this proceeding upon all parties by mailing the document to each party's counsel, pursuant to Fed. R. Civ. P. 5; and it is further

ORDERED that plaintiff be advised that if the Court is unable to effect service on the defendants through this Order and the defendants are not otherwise served within 120 days of filing,¹ the defendants will be dismissed from the instant action without prejudice. See Fed. R. Civ. P. 4(m); and it is further

ORDERED that plaintiff's failure to notify the Court immediately in the event he is transferred, released, or otherwise relocated, may result in the dismissal of this complaint pursuant to Fed. R. Civ. P. 41(b).

The Clerk is directed to send a copy of this Order to plaintiff and a copy of this Order, the amended complaint (Docket #11), the Court's April 20, 2007, May 21, 2007, June 20, 2007, August 20, 2007, and November 13, 2007 Orders (Docket ## 2, 3, 6, 10, and 14), and the Notice

¹ For purposes of calculation, the complaint is deemed filed as of November 13, 2007 per the Court's November 13, 2007 Order.

of Lawsuit and Request for Waiver of Service of Summons to defendants Hoffman,
Dombrowski, Livingston, and Grayson (one to each defendant) at: Prince William County Police
Department, 1 County Complex Court, Prince William, VA 22192.

Entered this 10th day of December 2007.

Alexandria, Virginia

/s/
Gerald Bruce Lee
United States District Judge